

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

MARY SEXTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:09CV00008 AGF
)	
CITY OF HANNIBAL, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on (1) Defendant Beau Hicks's motion to quash Plaintiff's subpoenas and notice of deposition, and for a protective order, (2) Plaintiff's motion for a protective order, and (3) Plaintiff's motion for sanctions against Mr. Hicks for failure to comply with this Court's discovery Order of July 8, 2010. These motions all relate to Plaintiff's attempt to obtain information regarding Mr. Hicks's financial condition in 2005 to 2009.

As this Court suggested at the hearing held on June 17, 2010, Mr. Hicks's financial condition is only marginally relevant to the underlying issue of whether he stole money from the Hannibal Convention Center and Visitors Bureau ("Convention Center"), as Plaintiff had reported to others that he had. Even this underlying issue is not a key aspect of the case, in which Plaintiff claims that her First Amendment rights were violated when she was fired from her job at the Convention Center because she reported that Mr. Hicks, who also worked for the Convention Center, had stolen money. For this reason,

the Court denied many parts of Plaintiff's motion to compel answers to interrogatories and requests for production that sought information about Mr. Hicks's finances. (Doc. #51.)

The Court did require Mr. Hicks to produce his W-2 forms provided to him by the Convention Center that were in his possession, custody, and/or control, and to provide Plaintiff with "a balance sheet and income statement from 2005 to the present, and to itemize his gambling winnings and losses from 2005 to the present or to produce to Plaintiff the records and documents that would provide this information." Id.

The record shows that Mr. Hicks has produced to Plaintiff his income tax returns from 2008 and 2009 and provided Plaintiff with authorizations to obtain his federal and state income tax returns from 2005 through 2009, by means of which Plaintiff has obtained Mr. Hicks's 2005 and 2006 returns. Neither party has been able to find/obtain the 2007 returns. Mr. Hicks has also given Plaintiff a list of all the casinos he frequented since 2005 and offered to provide Plaintiff with authorizations to obtain any and all records from these casinos regarding his gambling.

Believing that this did not comply with the Court's Order of July 8, 2010, Plaintiff proceeded to issue subpoenas to two hospitals for all documents related to medical bills for Plaintiff and his wife and his children from 2005 to the present, and to a state circuit court for documents related to Plaintiff's divorce case and another case. Plaintiff also issued a notice to take the depositions of the records' keeper of the hospitals and court. The Court believes that Mr. Hicks has substantially complied with the Court's Order of July 8, 2010, and that Plaintiff's subpoenas and notice of depositions are entirely

inappropriate.

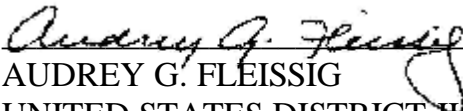
Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to quash Plaintiff's subpoenas and notices of deposition, and for a protective order is **GRANTED**. [Doc. #57]

IT IS FURTHER ORDERED that Plaintiff's motion for a protective order is **DENIED** as moot. [Doc. #60]

IT IS FURTHER ORDERED that Defendant Hicks shall make a good faith effort to obtain a copy of his 2007 state and federal tax returns and provide same to Plaintiff as soon as he is able to obtain a copy. Defendant shall also provide Plaintiff with the authorizations he offered with respect to his casino gambling records, along with any thing else, such as a "player's card," that may be needed for the casinos to honor the authorizations.

IT IS FURTHER ORDERED that Plaintiff's motion for sanctions against Defendant Hicks for failure to comply with this Court's discovery Order of July 8, 2010 is **DENIED**. [Doc. #61]


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 18th day of October, 2010.